

86<sup>th</sup> Legislative Session – 2011

Committee: Senate Judiciary

Tuesday, February 15, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Begalka  
P Hunhoff (Jean)  
P Nygaard  
P Vehle  
P Buhl  
P Cutler, Vice-Chair  
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 10, 2011

Moved by: Nygaard  
Second by: Cutler  
Action: Prevailed by voice vote.

SB 176: provide for the crime of human trafficking, to establish the elements and degrees of the crime, and to provide penalties for the violation thereof.

Presented by: Senator Joni Cutler (Handouts: #1, #2, #3, #4)  
Proponents: Susan Omanson, self, Sioux Falls  
Jennifer Falkenstein, self, Sioux Falls  
Ashley Statema, self, Sioux Falls  
Dale Bartscher, Family Heritage Alliance  
Laura Ross, SD Coalition Ending Domestic Violence and Sexual Assault  
Travis Benson, Catholic Diocese Of Sioux Falls  
Greg Boris, South Dakota Voices for Children  
Dianna Miller, SD Network Against Family Violence & Sexual Assault

Cindy Flakoll, Concerned Women For America  
Sam Ellingson, ACLU of SD  
Kristen Aschenbrenner, SD Advocacy Network for Women  
Chris Hupke, SD Family Policy Council

MOTION: AMEND SB 176

176ra

On page 2, after line 8 of the printed bill, insert:

" Section 4. Any person under the age of sixteen who performs a commercial sex act is considered a victim of human trafficking regardless of whether force, fraud, or coercion were present."

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by voice vote.

MOTION: AMEND SB 176

176rb

On page 1, line 8, of the printed bill, delete "to" and insert "the".

On page 1, line 12, after "," insert "or".

Moved by: Nygaard  
Second by: Begalka  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 176 AS AMENDED

Moved by: Hunhoff (Jean)  
Second by: Buhl  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

SB 114: provide that parties to a divorce or separate maintenance action be restrained

from making changes to insurance coverage.

Presented by: Senator Elizabeth Kraus  
Proponents: Randy Moses, Division of Insurance

MOTION: AMEND SB 114

114ja

On page 2, line 6, of the printed bill, after "court" insert "unless the change under the applicable insurance coverage increases the benefits, adds additional property, persons, or perils to be covered, or is required by the insurer".

Moved by: Vehle  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 114 AS AMENDED

Moved by: Nygaard  
Second by: Begalka  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

The gavel was passed to Senator Joni Cutler, Vice-Chair.

SB 156: prohibit the employment of unauthorized aliens, to criminalize the knowing transportation, concealment, or solicitation of unauthorized aliens, and to provide penalties therefor.

Presented by: Senator Craig Tieszen  
Proponents: Zach Lautenschlager, SD Tea Party Alliance  
Rachelle Hartze, self, Rapid City  
Staci Eggert, SD Sheriff's Association  
Tom Barnett, State Bar Association of South Dakota  
Karen Collins, self, Faulkton  
Kitty Werthmann, SD Eagle Forum  
Linda Schauer, Concerned Women For America

Opponents: Karl Kroger, Pierre, self

Brenda Forman, SD Association of Cooperatives/SD Dairy Producers  
Sam Ellingson, ACLU of SD  
Sister Janet Horstman, Presentation Sisters of Aberdeen (Handouts: #5)  
Marlene Schulz, National Association of Social Workers  
Sister Lynn Marie Welbig, Presentation Sisters of Aberdeen  
Sister Sheila Schnell, self, Sioux Falls

THE CHAIR DEFERRED SB 156 UNTIL THURSDAY, FEBRUARY 17, 2011

MOTION: ADJOURN

Moved by: Vehle  
Second by: Buhl  
Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

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Craig Tieszen, Chair